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SERVICE DATE - FEBRUARY 2, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 25X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—  
IN LANGLADE, MENOMINEE AND SHAWANO COUNTIES, WI

Decided: February 1, 2001

By decision and notice of interim trail use or abandonment served on January 5, 2001, the Board granted the petition for exemption filed by Wisconsin Central Ltd. (WCL) for abandonment of a 34.3-mile line of railroad known as the White Lake-Shawano Line, between milepost 280 north of White Lake and milepost 314.3 north of Shawano, in Langlade, Menominee, and Shawano Counties, WI. The exemption was granted subject to environmental, historic preservation, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Wisconsin Department of Natural Resources (WisDNR)<sup>1</sup> to negotiate an interim trail use/rail banking agreement with WCL. The decision is scheduled to become effective on February 4, 2001.

On January 22, 2001, the Menominee Tribal Enterprises (MTE) timely filed a petition for stay pending judicial review on the ground that the Board's decision did not adequately address MTE's argument that the statutory provisions for interim trail use/rail banking under the National Trails System Act, 16 U.S.C. 1247 (d), do not apply to this right-of-way because it is on treaty-reserved land. On January 25, 2001, WisDOT (on behalf of WisDNR) and WCL filed, by facsimile, requests for a 1-week extension of the January 26, 2001 due date for filing replies to the stay request.<sup>2</sup> Both stated that MTE did not object to the proposed extension. On January 29, 2001, Menominee Indian Tribe of Wisconsin, the beneficial owner of the land encumbered by the right-of-way subject to the pending proceeding, filed a statement in support of MTE's stay petition.

The extension requests of WisDOT and WCL will be granted. In light of the impending effective date, a partial stay of the January 5 decision with respect to the trail use/rail banking authorized in Menominee County is appropriate to permit the Board to fully consider the stay petition and any replies that are filed. In all other respects, the January 5 decision would take effect as scheduled on February 4, 2001.

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<sup>1</sup> The Wisconsin Department of Transportation (WisDOT) sought the interim trail use/rail banking condition on behalf of WisDNR.

<sup>2</sup> WisDOT filed a formal copy of its request on January 29, 2001.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The requests of WisDOT and WCL for an extension of the due date for replies is granted. Replies to the stay petition are due on February 2, 2001.
2. To the extent that trail use/rail banking in Menominee County was authorized, the decision issued in this proceeding on January 5, 2001, is stayed until further order of the Board.
3. This decision is effective on its service date.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams  
Secretary